

Minutes of the Independence City Commission's May 26, 2016 Meeting.

The Independence City Commission met on May 26, 2016 at 5:30pm in the Veterans Room at Memorial Hall. Mayor Gary Hogsett, Commissioner Leonhard Caflisch, and Commissioner Fred Meier were present. Others present included:

City Staff

Micky Webb, City Manager
Jeff Chubb, City Attorney
Kelly Passauer, Assistant City Manager
Jennifer Rutledge, Director of Finance/City Clerk
Jerry Harrison, Police Chief
Dave Cowan, Public Safety Director
Terry Lybarger, Director of Utilities
Barb Beurskens, Park and Zoo Director
Russell Baker, Fire Chief

Visitors

Larry McHugh	Shaun Ponder
Jerry Bright	Charlotte Caflisch
Tom McManus	Ned Stichman
Danny Turr	Jeremy Harris
Renee Woollard	Barry Beurskens
Judith Badella	Liz Moore
Debbie Miller	Jason Reddy
Belva Wilson	Melissa Adey
Christina Johnson	Lisa Helkenberg
Jon Risner	Tim Townley
Dustin Taylor	Ty Lupardus
Dorcas Sutton	Steve Fuller
John Heckman	Steve Newton
Harold Baden	John Boles
Tony Royse	Keith Copithke
Louis Ysusi	Chris Furr
Tammy Freeman	Matt Kent
Terry Whittet	Aaron Cook

Call to Order

The meeting was called to order by Mayor Gary Hogsett.

Pledge of Allegiance to the United States of America

Citizen's Concerns and Petitions

Before allowing speakers, the Mayor read a brief synopsis of the rules regarding this time in the meeting. This time is for citizens to address the Commission, but it generally is not a time for the Commission to have a conversation in return, but rather simply to listen.

- **Debbie Miller addressed the Commission regarding Labette Health and Mercy. She asked the Commission to forego the Mercy building. She found a study from 2015 titled "The Importance of the Health Care Sector to Montgomery County", which stated the tremendous economic impact from health care providers in the area, including new residences and businesses. Ms. Miller feels that it would be beneficial to Independence if Labette comes to our community, and asked the commission to give unwavering support to Labette.**
- **Louis Ysusi had requested to speak, but after hearing what the Mayor had to say about this time of the meeting, he felt that he would be better served by submitted questions to the City Manager that would hopefully be addressed in a public forum.**

Adoption of the Consent Agenda

a. Appropriations

1. A-1767

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the Commission approved A-1767 for \$544, 713.27.

Aye: Caflisch, Meier, Hogsett

Nay: None

2. P-1730

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the Commission approved P-1730 for \$119,861.26.

Aye: Caflisch, Meier, Hogsett

Nay: None

- b. Consider approving the minutes of the May 12, 2016 Commission meetings [CITIZENS].

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the Commission approved the minutes of the May 12, 2016 Commission meetings.

Aye: Caflisch, Meier, Hogsett

Nay: None

- c. Consider adopting a resolution allowing the City a GAAP waiver for financial statements for audit purposes [CITIZENS].

Attached is a resolution prepared by the City Clerk for a GAAP waiver. The City Clerk recommends approval.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the Commission adopted resolution 2016-010 allowing the City a GAAP waiver for financial statements for audit purposes.

Aye: Caflisch, Meier, Hogsett

Nay: None

- d. Consider releasing a second mortgage on 1119 N Penn [CITIZENS].

This property had a second mortgage due to a rehabilitation grant and has met the requirements to have the second mortgage released. City staff recommend approval.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the Commission authorized releasing a second mortgage on 1119 N Penn.

Aye: Caflisch, Meier, Hogsett

Nay: None

- e. Consider adopting an ordinance assessing a nuisance charge on the property located at 415 South 12th Street [CITIZENS].

Attached an ordinance assessing the costs related to removal of the condemned structure on this property in the amount of 7,615.00. City staff recommend approval.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the Commission adopted Ordinance 4223 assessing a nuisance charge on the property located at 415 S 12th Street.

Aye: Caflisch, Meier, Hogsett

Nay: None

- f. Consider authorizing the Mayor to sign Contract Amendment Request #2 for a 3 month extension on the CDBG Phase III Curb Ramp Project [CITIZENS/QUALITY OF LIFE SYSTEM].

Attached is a contract amendment requesting at three month extension to complete the CDBG Phase III Curb Ramp Project. City staff recommends approval.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the Commission authorized the Mayor to sign Contract Amendment Request #2 for a 3 month extension on the CDBG Phase III Curb Ramp Project.

Aye: Caflisch, Meier, Hogsett

Nay: None

Public Hearings

- g. Public Hearings to consider condemnation of the following properties as dangerous and unsafe:

1. 201 East Main Street

The Mayor opened the Public Hearing.

The Public Safety Director explained that this property is owned by an individual who resides in New York. The building has a collapsed roof and is in need of repair. To remove the building would require the wall between this building and the next door building to be addressed, as they currently share that wall.

The City Attorney told the Commission that he had spoken to the owner's attorney and they would be interested to see the quote to removed the building, and might be willing to pay depending on the price.

The City Clerk told the Commission that in her discussions with the attorney, he made it clear that he has no intentions of coming to town to over see the project, or even solicit bids to repair the property. He asked how much it would cost for the City to do it, and made it clear that he has no tenant and no way to make money on that property.

The Mayor closed the Public Hearing

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-023 condemning 201 E Main as

dangerous and unsafe, and allowing the owner 30 days to commence repair or removal of the property.

Aye: Caflisch, Meier, Hogsett

Nay: None

2. 2905 Regency Drive

The Mayor opened the Public Hearing.

The Housing Director reported that this is a fire damaged property and that the City will receive no proceeds for the house because the damage was less than 75% of the value of the home. She explained that the house is already being repaired, and that the owner has asked that the Public Hearing be adjourned for 90 days, by which time he believes all repairs will be made.

Commissioner Caflisch addressed the issue of setting precedence by not immediately condemning the house, as we have other fire damaged properties. He stated that he had a fire in the past, and made the same request and was denied at the time.

The City Clerk explained that the City is not at risk of losing out on funds for this property, and explained the 75% rule.

The Commission asked City Staff to come up with a policy for this in the future.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-024 condemning 2905 Regency as dangerous and unsafe, and allowing the owner 30 days to commence repair or removal of the property.

Aye: Caflisch, Meier

Nay: Hogsett

Items Requiring Commission Action

- h. Consider a request from Brian Williams, Labette Health Foundation, Inc. to authorize the Mayor to sign a certificate of support to be submitted to USDA Rural Development for a rural health clinic and outpatient emergency department [CITIZENS/QUALITY OF LIFE SYSTEM].**

Brian Williams has requested to address the Commission regarding a certificate of support for Labette Health's rural clinic and outpatient emergency department that they plan to construct at 510 North Peter Pan Road.

Executive Session:

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission called a 15 minute Executive Session according to Kansas Statute 75-4319 (b) (2) for the purpose of consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship; to end at 6:12pm. The Executive Session included the City Manager, Assistant City Manager, City Attorney, and Mayor Caflisch, Commissioner Meier, and Commissioner Hogsett.

Aye: Caflisch, Hogsett, Meier

Nay: None

The meeting was called back to order at 6:12pm

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hogsett, the Commission authorized the Mayor to sign a certificate of support to be submitted to USDA Rural Development for a rural health clinic and outpatient emergency department.

Aye: Caflisch, Meier, Hogsett

Nay: None

- i. Consider the status of the following previously condemned properties:
 - 1. 208 West Walnut Street – **this property will be reviewed in 60 days**
 - 2. 300 South 14th Street – **this property will be reviewed in 60 days**
 - 3. 605 North 16th Street – **this property will be reviewed in 60 days**
 - 4. 821 East Maple Street – **this property will be reviewed in 60 days**
 - 5. 914 North 6th Street – **this property will be reviewed in 60 days**

Attached are HQS inspections for the above properties prepared by Housing Authority staff who will be available to answer questions.

- j. Consider setting the date of July 28, 2016 at 5:30 PM for public hearings to consider condemnation of the following properties as dangerous and unsafe:

1. 601 South 1st Street

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-022 setting the date of July 28, 2016 at 5:30pm for a public hearing to consider condemnation of 601 South 1st Street as dangerous and unsafe.

Aye: Caflisch, Meier, Hogsett

Nay: None

2. 609 East Poplar Street

Motion:

On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-014 setting the date of July 28, 2016 at 5:30pm for a public hearing to consider condemnation of 609 East Poplar Street as dangerous and unsafe.

Aye: Caflisch, Meier, Hogsett

Nay: None

3. 621 North 16th Street

Motion:

On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-018 setting the date of July 28, 2016 at 5:30pm for a public hearing to consider condemnation of 621 North 16th Street as dangerous and unsafe.

Aye: Caflisch, Meier, Hogsett

Nay: None

4. 624 North 17th Street – **the owner requested more time due to a pending sale of the property, city staff will bring this house back to the Commission in 60 days.**

5. 625 North 16th Street

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-020 setting the date of July 28,

2016 at 5:30pm for a public hearing to consider condemnation of 625 North 16th Street as dangerous and unsafe.

Aye: Caflisch, Meier, Hogsett

Nay: None

6. 1016 West Cottonwood Street

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-021 setting the date of July 28, 2016 at 5:30pm for a public hearing to consider condemnation of 1016 West Cottonwood Street as dangerous and unsafe, and authorized City Staff to secure the house at the expense of the owner.

Aye: Caflisch, Meier, Hogsett

Nay: None

Staff recommends the date of July 28, 2016 at 5:30 PM be set for public hearings for the above structures to consider condemnation as dangerous and unsafe.

k. Consider City Hall options [CITIZENS/CITY EMPLOYEES].

Staff will review City Hall options at the meeting.

Dave Cowan presented options for City Hall, please see attached power point.

Reports

l. Report on previously condemned properties:

1. 1201 West Laurel Street
2. 921 East Hill Street
3. 1328 Irving
4. 1013 East Hill

Attached is a memo from the Housing Authority reporting the status of the above listed properties.

m. Report on Park & Zoo activities [CITIZENS].

Park & Zoo Director, Barb Beurskens will provide an update on Park & Zoo activities.

Barb Beurskens updated the Commission on Park Activities.

n. Report on citizen comments [CITIZENS].

Staff will provide information regarding recent citizen concerns.

The City Clerk addressed recent citizen comments.

-Ned Stichman asked about building D – this item will be addressed in coming meetings.

- Debbie Miller addressed KORA violations she has reported to the Attorney General's Office. The City Clerk explained that this is a formal process, and that can make it awkward, because it is not usually followed up with a conversation. The letter of intent between Mercy and the City of Independence was requested as one of the items pertaining to the transition of assets. Because the letter was unexecuted, it did not fit as an item pertaining to the transition of assets. When Debbie requested the letter at a later date, it was provided. The second item was the tool used to evaluate the City Manager. This is an item related to personnel and although Debbie felt the blank tool should be provided, the City felt that it did not because it related to one specific employee. The City Clerk did point out that the 'tool' in question had not been mentioned in open session, and that the review process was handled in executive session.

- Arch Sherwood had expressed concerns about the City's financial position. The City Clerk reminded the Commission that the quarterly treasurer's statement published in the paper on May 20, 2016 showed a combined cash balance over \$17 million.

- o. Report on water loan balance [CITIZENS/CITY EMPLOYEES].

Attached is a memo from the Finance Director regarding the balance of the water loan.

- p. Report on special use sales tax [CITIZENS].

Attached is the Special Use Sale Tax report prepared by the Finance Director.

Additional Items:

- q. Consider authorizing closing the street at the Railroad Crossings at 10th and 13th north of Railroad Street.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission authorized closing the street at the Railroad Crossings at 10th and 13th north of Railroad Street.

Aye: Caflisch, Meier, Hogsett

Nay: None

Minutes of the Independence City Commission's May 26, 2016 Meeting.

- r. Consider approval of remediation agreement with Kansas Fiber Network and Wichita Electric regarding damage downtown due to a breach of the water main.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission approved the remediation agreement with Kansas Fiber Network and Wichita Electric regarding damage downtown due to a breach of the water main.

Aye: Caflisch, Meier, Hogsett

Nay: None

- s. Report on Economic Development – Kelley Aerospace is planning to lease the Roundtop Hangar at the airport.

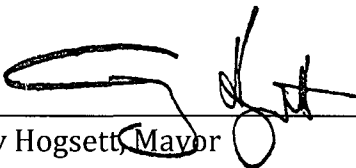
Adjournment

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adjourned the meeting.


Aye: Meier, Hogsett, Caflisch

Nay: None



Gary Hogsett, Mayor

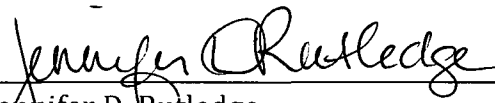
Attest:



Leonhard Caflisch, Commissioner



Fred Meier, Commissioner



Jennifer D. Rutledge
Director of Finance/City Clerk

Attendance Sheet
Independence City Commission Meeting
May 26, 2016

PLEASE PRINT

Name

Address

1 Jerry Bright	201 5 13 th
2 Larry McHugh	
3 Tom Macarinos	LaBette Health
4 Darrin Turner	102 S. 1 st
5 Breere Woodard	711 E. Maple
6 Judith Badella	719 N 9 th
7 Debbie Miller	Box 571, City
8 Belva Wilson	624 N 17
9 Christina Phares	
10 John Risher	123 W Main Apt 34
11 Dustin Taylor	120 N. 6th st.
12 Dorcas Smith	1201 N 5 th
13 John Heckman	P.O. Box 1314
14 Harold Baden	1212 N. 8 1k
15 Tom Royse	208 S 4th
16 Louis Ysusi	112 Timberlane
17 Lanny Allen	359 American Way
18 Lanny Whiffet	Indy

19 Sham Ponder
20 Charlotte Caffrey
21 Ned Stuchman
22 Jeremy Harris
23 Barry Benokor
24 Liz Moore
25 Jason Kelly
26 Melissa Aiken
27 Lisa Helkenberg
28 Tim Pownall
29 Ty Lupardus
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600 S. 5th ~~KS~~

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Request to Address the City Commission



Name: Louis Ysusi

Agenda item you wish to address: Letter: _____; or

Public concern you wish to address: Budget

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No _____

①

Request to Address the City Commission



Name:

Debbie Miller

Agenda item you wish to address: Letter: ____; or

Public concern you wish to address:

Labette Health and Mercy

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No _____